

REMARKS

The Office Action mailed January 11, 2006 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Record of Interview

On March 23, 2006, an interview was conducted by telephone between Examiner Lisa Hashem and John Schaub (Reg. No. 42,125). The Applicant thanks the Examiner for granting this interview. The details of the interview are set forth in the Interview Summary document made of record.

Claim Status and Amendment to the Claims

Claims 1-8 and 25-84 are now pending.

Claims 9-24 have been withdrawn from consideration as the result of an earlier restriction requirement.

Claims 1, 25, 33, 55, 60, and 70 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Support for these changes may be found in the specification, page 30, lines 4-13. The text of Claims 2-8, 25-32, 34-54, 56-59, 61-69, and 71-84 is unchanged, but their meaning is changed because they depend from amended claims.

In view of the Examiner's earlier restriction requirement, the Applicant retains the right to present claims 9-24 in a divisional Application.

The 35 U.S.C. § 103 Rejection

Claims 1-8 and 25-84 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Skladman et al.¹ in view of Rigaldies et al.,² among which claims 1, 25, 33, and 70 are independent claims. This rejection is respectfully traversed.

According to the Manual of Patent Examining Procedure (M.P.E.P.),

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.³

Claim 1

Claim 1 as amended recites:

A system for providing PBX-integrated unified messaging services on a wide-area network, comprising:
one or more a corporate communication platforms, each of said one or more corporate communication platforms coupled to a switched backbone, integrated with a PBX via a PBX interface, and comprising a slave message mailbox cache; and
a plurality of system communication platforms coupled to said switched backbone, wherein one such system communication platform comprises a master message mailbox, wherein said slave message mailbox cache is bi-directionally synchronized in real-time with said master message mailbox such that all changes to said slave message mailbox are reported immediately to said one such system communication platform and at least

¹ U.S. Patent No. 6,487,278.

² U.S. Patent No. 6,792,085.

³ M.P.E.P § 2143.

some changes to said master message mailbox are reported immediately to the corporate communication platform comprising said slave message mailbox cache, each of said one or more corporate communication platforms assigned to one of said plurality of system communication platforms, each of said plurality of system communication platforms assigned to zero or more of said one or more corporate communication platforms.

The Examiner states:

...Skladman discloses a system for providing PBX-integrated unified messaging services on a wide-area network (see Abstract; Figs. 1a and 1b), comprising: a corporate communication platform or enterprise system that provides services to users within a predetermined enterprise, such as a business or government organization (Fig. 1b, 22) coupled to a switched backbone or Internet (Fig. 1, 56) via a router (col. 3, lines 60-67; col. 6, lines 6-7), integrated with a PBX or LDS (Fig. 1a, 48) via a PBX interface or PSTN (Fig. 1a, 62) (col. 3, lines 5-47), and comprising a slave message mailbox cache or voice-mail server (Fig. 1a, 50); and a plurality of system communication platforms or disparate messaging systems inherently coupled to said switched backbone (col. 3, lines 60-67; col. 6, lines 21-34), wherein one such system communication platform or unified messaging center (Fig. 1a, 26) comprises a master message mailbox or unified message server (Fig. 1a, 64), wherein said slave message mailbox cache is synchronized with said master message mailbox (col. 4, line 9 - col. 5, line 6).

Skladman does not disclose said slave message mailbox cache is bi-directionally synchronized in real-time with said master message mailbox.

Rigaldies discloses a system for providing PBX-integrated unified messaging services on a local-area network (see Abstract; Fig. 1), comprising: a communication platform (Fig. 1, 10) coupled to a switched backbone (LAN) integrated with a PBX (Fig. 1, 400) via a PBX interface or PSTN (Fig. 1, 420), and comprising a slave message mailbox cache or workstation mailbox (Fig. 1, 150); and the platform comprises a master message mailbox or voice-mail server (Fig. 1, 200), wherein said slave message mailbox cache (Fig. 1, 150) is bi-directionally synchronized in real-time with said master message mailbox (col. 7, lines 30-63; col. 8, line 61 - col. 9, line 1; col. 9, lines 16-27; col. 10, lines 26-45; col. 11, lines 19-32; col. 12, lines 14-27; col. 14, lines 50-57; col. 15, line 59 - col. 16, line 6).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the system of Skladman to include said slave message mailbox cache is bidirectionally synchronized in real-time with said master message mailbox as taught by Rigaldies. One of ordinary skill in the art would have been lead to make such a modification to provide a unified messaging system comprising a slave message mailbox cache that receives messages from the master message mailbox instantly and the messages in the master message mailbox are also replicated in the slave message mailbox cache in order for a user to only check one corresponding mailbox of an individual user. The slave message mailbox cache is also local to the user and easily accessible by the user.⁴

⁴ Office Action ¶ 6.

With this Amendment, Claim 1 has been modified to provide further clarification for the “master” / “slave” aspect and the “real-time” aspect of “wherein said slave message mailbox cache is bi-directionally synchronized in real-time with said master message mailbox”. More particularly, Claim 1 as presently amended has been modified to recite that “*all* changes made to said slave message mailbox are reported *immediately* to said one such system communication platform and *at least some* changes to said master message mailbox are reported *immediately* to the corporate communications platform comprising said message mailbox cache.” (emphasis added) Furthermore, Claim 1 as presently amended recites that “each of said one or more corporate communication platforms assigned to *one* of said plurality of system communication platforms, each of said plurality of system communication platforms assigned to *zero or more* of said one or more corporate communication platforms.” (emphasis added) As these limitations are not taught or disclosed by the cited art of record, the 35 U.S.C. § 103(a) rejection of Claim 1 as being allegedly unpatentable over Skladman et al. in view of Rigaldies et al. is moot. Accordingly, the 35 U.S.C. § 103(a) rejection of Claim 1 is unsupported by the art and must be withdrawn.

Additionally, as detailed below, Skladman et al. is not prior art with respect to the instant application.

Affidavit filed on October 24, 2005 Under 37 C.F.R. § 1.131

In the Office Action dated January 11, 2006, the Examiner contends the affidavit filed on October 24, 2005 under 37 C.F.R. § 1.131 is insufficient to overcome the Skladman et al.

reference.⁵ However, the Examiner also indicated Affidavit exhibit G and Affidavit exhibit I were missing from the file and were not reviewed.⁶ The Applicant submits herewith a complete copy of the affidavit as filed on October 24, 2005, including all the exhibits (exhibits A thru I). The Applicant also submits herewith an itemized post card receipt with an "Office Date" stamp of October 26, 2005, indicating receipt by the Patent Office of "Declaration of Jack H. Chang Pursuant to 37 C.F.R. § 1.131; **Exhibits A-I.**" (emphasis added) The Applicant therefore submits that the affidavit and all Exhibits to the affidavit, including exhibit G and exhibit I, were received by the Patent Office on October 26, 2005. Accordingly, the Applicant respectfully requests reconsideration of the affidavit and exhibits A-I.

The Examiner states:

Exhibits A, B, C, D, E, F, and H fail to disclose conception relating to the invention in claims 5, 6, 7, 8, 29, 30, 31, 32, 37, 38, 39, 40, 74, 75, 76, and 77 wherein the Exhibits do not disclose conception relating to: said corporate communication platform can command said PBX to activate a message waiting light on a PBX user's voice terminal equipment when a message for said PBX user is transmitted from said master message mailbox to said slave mailbox cache.⁷

The Examiner also states:

Exhibits A, B, C, D, E, F, and H do not disclose diligence of the invention in claims 5, 6, 7, 8, 29, 30, 31, 32, 37, 38, 39, 40, 74, 75, 76, and 77. The Exhibits do not disclose 'how' the applicant was diligent in constructively reducing the invention to practice. There is no evidence of data results and testing of notifying a subscriber of a message via a message waiting light on the subscriber's voice terminal equipment.⁸

⁵ Office Action dated January 11, 2006, ¶¶ 1-3.

⁶ Office Action ¶ 4.

⁷ Office Action ¶ 2.

⁸ Office Action ¶ 3.

In response, the Applicant refers the Examiner to the last paragraph in the left column of page 3 of Exhibit I, which states:

Within the company each employee is fully linked to extended enterprise messaging so all incoming fax and voice messages will illuminate the desk phone's message wait lamp, and all messages are easily accessed by phone, web browser, email client or wireless device.

Skladman et al. issued on November 26, 2002 on an application filed February 29, 2000, less than five months prior to the filing of the instant application. The Applicant can dispose of Skladman et al. as a reference by a showing that the inventor herein invented the subject matter of the claimed invention prior to February 29, 2000, the effective date of the Skladman et al. patent. The showing, a Rule 131 declaration made by the inventor herein establishes invention of the subject matter of the rejected claims prior to the effective date of the reference.

The Declaration sets forth and supported by documentary evidence that as of no later than August 2, 1999, which date is prior to the effective date of the reference, the invention had been reduced to practice. This is patently clear from the materials which were distributed, displayed, and/or made available at an August 2, 1999 meeting, some of which have been attached as Exhibits to the 37 CFR 131 declaration submitted herewith.

It is believed clear that not only had the inventor conceived the invention (evidence has been submitted showing a contemporaneous disclosure *Burroughs Welcome Co. v. Barr Lab. Inc.*, 40 F.3d 1223, 30 USPQ 2d 1915 (Fed. Cir. 1994)) but there has been established an actual reduction to practice prior to the effective or date of the reference, the latter alone being sufficient to establish prior invention (37 CFR 131 *In re Clarke* 356 F.2d 987, 148 USPQ 665

(C.C.P.A. 1966). The rejection herein is based on Section 102, requisite showing has been made, i.e., a Declaration submitted which establishes that the invention was made by the Applicant before the effective date of the reference relied on to show that the invention was anticipated. As Skladman et al. is not prior art, the rejection under 35 U.S.C. § 103(a) of claims 1-8 and 25-84 cannot be maintained. For this additional reason, the rejection under 35 U.S.C. § 103(a) of claims 1-8 and 25-84 must be withdrawn.

Independent Claims 25, 33, and 70

With this Amendment, the remaining independent claims 25, 33, and 70 have been modified to include limitations similar to independent claim 1. Claim 1 being allowable, Claims 25, 33, and 70 must be allowable for at least the same reasons.

Dependent Claims 2-8, 25-32, 34-69, and 71-84

The independent claims being allowable, the dependent claims must be allowable for at least the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

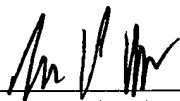
If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID & PRIEST, LLP

Dated: April 10, 2006



John P. Schaub
Reg. No. 42,125

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040